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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,624	11/16/1999	YUTAKA MAEDA	0879-0244P	3184

7590 06/10/2004

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EXAMINER

WU, DOROTHY

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/440,624

Applicant(s)

MAEDA, YUTAKA

Examiner

Dorothy Wu

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached comments.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-3 and 16-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed May 19, 2004 have been fully considered but they are not persuasive.

The applicant has argued: "There is nothing in Tani et al that is analogous to a changing device which changes the cycle of the imaging device, thereby changing the maximum exposure period for said imaging device." The office respectfully disagrees. Tani teaches that the apparatus outputs a periodical accumulation control signal and drive pulses to reads images from the CCD at preset intervals of 1/60 seconds, which would normally cap the exposure period to 1/60 seconds, a maximum amount (col. 16, lines 56-66). Tani teaches that the time at which the compulsive accumulation control signal is outputted can be obtained by calculating the shutter speed from the time at which several accumulation control pulses are outputted thereafter when the shutter speed is longer than 1/60 seconds (col. 17, lines 27-31, emphasis added). Tani thereby teaches that when the shutter speed is longer than 1/60 seconds, the exposure time spans more than one 1/60 second interval, and it would have been obvious to one of ordinary skill to delay the reading of an image until the exposure time had elapsed. Thus, the cycle of the imaging device is changed, and a changing device to change the cycle of the imaging device would have been obvious.

The applicant has argued: "There is nothing in Tani et al that is analogous to a changing device automatically changes [sic] the cycle of the imaging device." The office respectfully disagrees. Tani teaches the calculation and outputting of

Art Unit: 2615

the compulsive accumulation control signal by the MPU 14 when the shutter speed is longer than 1/60 seconds (col. 17, lines 15-31), which reads on an automatic changing of the device.

The applicant has argued: "There is nothing in Tani et al that discloses a 'changing device' that 'changes said video rate to enable said imaging device to output brighter images.'" The office respectfully disagrees. Tani teaches an apparatus that changes the cycle of the imaging device so that the shutter speed may be longer than 1/60 seconds. See above. It would have been obvious to one of ordinary skill to delay the reading of an image until the exposure time had elapsed, and therefore, the read-out cycle of the imaging device when the shutter speed is longer than 1/60 second would have been changed. It is well-known that an image with a longer exposure time will be brighter than an image with a shorter exposure time, and therefore, when the apparatus changes the maximum exposure time to be longer than 1/60 seconds, its output images are brighter than they would have been had the apparatus maintained a maximum exposure time.

The applicant has argued: "There is nothing in Tani et al, Applicant's admitted prior art, or Udagawa, taken singly or in combination, that discloses 'a changing device which changes the cycle of the imaging device, thereby changing the maximum exposure period for said imaging device.'" The office respectfully disagrees. Tani teaches the changing of the imaging device to thereby change the maximum exposure period. See above. Udagawa teaches a shutter time setting means 10 that is operated manually (col. 3, line 46; Fig. 5A).

Art Unit: 2615


One of ordinary skill would have realized the benefit of having shutter speeds longer than 1/60 seconds based on the teachings of Tani, and would have provided such options when incorporating the teaching of Udagawa.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


June 9, 2004


ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600